

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALLSTATE INSURANCE CO.,

Plaintiff,

v.

DAVID THOMSON, *et al.*,

Defendants.

Case No. C07-0739RSL

ORDER DENYING MOTION
FOR RECONSIDERATION

This matter comes before the Court on a motion for reconsideration (Dkt. #26) filed by plaintiff Allstate Insurance Company (“Allstate”). Allstate seeks reconsideration of this Court’s January 10, 2008 order denying Allstate’s motion for summary judgment (Dkt. #25, the “Order”).

In its motion, Allstate asserts two arguments not advanced in its motion for summary judgment. First, it relies on Allstate v. Bowen, 121 Wn. App. 879 (2004) and argues that negligent misrepresentation in a real property transaction does not cause property damage. Second, it argues that the fortuity doctrine precludes coverage. The new arguments do not constitute “new facts or legal authority which could not have been

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1 brought to its attention earlier with reasonable diligence.” Local Rule 7(h)(1).


2 Accordingly, and for the reasons set forth in the Order, Allstate’s motion for

3 reconsideration (Dkt. #26) is DENIED.

4 However, Allstate’s newly advanced arguments may have merit, and the Court is
5 loathe to proceed with claims which should be resolved on a dispositive motion.

6 Accordingly, Allstate may file a motion for summary judgment that advances its new
7 arguments.

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9 DATED this 22nd day of January, 2008.

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12 Robert S. Lasnik
13 United States District Judge
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